

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TROY E. TILLERSON,

*

Plaintiff,

*

vs.

CASE NO. 3:05-cv-985-MEF

THE MEGA LIFE AND HEALTH
INSURANCE CORPORATION, a
corporation; TRANSAMERICA LIFE
INSURANCE COMPANY F/K/A PFL
LIFE INSURANCE COMPANY, a
corporation; NATIONAL ASSOCIATION
FOR THE SELF EMPLOYED A/K/A
NASE, a corporation,

*

Defendants.

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**DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S STATE LAW
CLAIMS, CLAIMS FOR PUNITIVE OR EXTRACONTRACTUAL
DAMAGES, AND JURY DEMAND**

COME NOW, Defendants in the above-styled action, and respectfully move that the Court strike Plaintiff's state law claims, claims for punitive or extracontractual damages, and jury demand, because the Plaintiff's allegations focus on his Certificate of Insurance, which is governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.* as an employee welfare benefit plan, and ERISA preempts state causes of action. A memorandum of law filed by Defendants contemporaneously herewith supports this motion.

s/Pamela A. Moore

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2006, the foregoing document was electronically filed with the Clerk of this Court using the CM/ECF system, which will send notification of such filing to the following:

Steven W. Couch, Esq.
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s/Pamela A. Moore
COUNSEL
